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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,539	02/28/2007	Hitoshi Suzuki	80319(302753)	9393
21874 7590 06/24/2009 EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205				
EXAMINER				
JENNINGS, STEPHANIE M				
ART UNIT		PAPER NUMBER		
3725				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,539

Applicant(s)

SUZUKI ET AL.

Examiner

Stephanie Jennings

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see paragraph 2, page 8, filed March 24, 2009, with respect to the abstract objection have been fully considered and are persuasive. The objection of December 24, 2008 has been withdrawn.
2. Applicant's arguments, see paragraph 3, page 8, filed March 24, 2009, with respect to the Claim 10 objection have been fully considered and are persuasive. The objection of December 24, 2008 has been withdrawn.
3. Applicant's arguments, see paragraphs 4-8, page 3, filed March 24, 2009, with respect to the 35 USC 112, 2nd paragraph rejection of claims 10-13 have been fully considered and are persuasive. The rejections of December 24, 2008 have been withdrawn.
4. Applicant's arguments with respect to claims 9-16 have been considered but are moot in view of the new ground(s) of rejection.

Specification

5. Amendments to the specification have been reviewed and are accepted as being in compliance.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as the claim is written what is meant by "radically around the central axis." The examiner will examine the claim as best understood, substituting "radially" for "radically."

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 9-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Oetiker US Patent No. 5,890,270.

10. Oetiker anticipates:

11. Limitations from claim 9, a ring compression device (10) that applies force on a periphery of a ring (13) to thereby compress the ring and fix the ring on a mounting body placed inside the ring, comprising: a non-rotatable substrate having a central axis (O); a plurality of longitudinal pressing members (20) arranged on a first plane different from that of the substrate (34) and radically around the central axis with, each of said pressing members having one end pointing toward the central axis, the pressing members capable of freely moving toward or away from the central axis in the first plane (column 6, lines 40-60); a rotating body configured to rotate around the central axis in second plane that is parallel to the first plane; and a driving mechanism (60) that engages with the rotating body and the pressing members such that when

the rotating body rotates, all of the pressing members integrally move toward the central axis and apply force on the periphery of the ring with the one end of each of the pressing members (column 6, lines 40-60).

12. Limitations from claim 10, the ring compression device according to claim 9, wherein the rotating body has an initial position at which the one end of at least one of the pressing members is located on a circle around the central axis that corresponds to the periphery of the ring and the one end of each of the other pressing members is located outside of the circle, and the driving mechanism engages with the rotating body and the pressing members such that, when the rotating body rotates, the one end of each of the other pressing members mere moves toward the circle, and once the one end of each of the other pressing members is located on the circle, all the pressing members move towards the central axis (column 6, lines 40-60).

13. Claim 11 cites the same limitations as claim 10, except for the addition of the hooking mechanism in lines 2-5, which is anticipated by Oetiker's fastening means in column 7, lines 8-9.

14. Limitations from claim 12, the ring compression device according to claim 9, further comprising a holding mechanism configured to hold the mounting body in such a manner that the mounting body is aligned to the central axis (column 7, lines 2-7).

15. Claim 13 has the same limitations as Claim 11 and is rejected under the same cite (column 6, lines 40-60) as of Claim 11.

16. Limitations from claim 14, The ring compression device according to claim 9, further comprising: a hooking mechanism that hooks the ring, the hooking mechanism having a claw member abutting on an edge face on one side of the ring on the side of the substrate and also having a movable claw member abutting on an edge face on the other side of the ring on the tip

side of the specific pressing member (column 7, lines 8-9), wherein, in an initial state, the one end of at least one of the pressing members is located on a circle with the central axis as a center and diameter of the ring as a diameter, and the one end of each of the other pressing members is located outside of the circle, wherein the driving mechanism engages with the rotating body and the pressing members such that, when the rotating body rotates the one end of each of the other pressing move moves toward the circle, and once the one end of each of the other pressing members is located on the circle, all the pressing members move toward the central axis; and a holding mechanism configured to hold the mounting body in such a manner that the mounting body is aligned to the central axis (column 6, lines 40-60).

17. Limitations from Claim 15 (currently amended) A ring compression method of applying force on a ring to fix the ring on a mounting body, comprising: hooking the ring with one end of each of a plurality of longitudinal pressing members that can freely move in a first plane and in a radial direction with respect to an axis; inserting the mounting body into a bore of the ring and holding the body in such a manner that the mounting body is aligned with the axis; and forcibly moving the one end of each of the pressing members towards the axis by rotating a rotational body arranged in a second plane to act on the pressing members to thereby apply force on the ring (column 7, lines 2-27).

18. Limitations from claim 16, the ring compression method according to claim 15, further comprising: first controlling, before the hooking, such that the one end of at least one of the pressing members is located on a circle with the axis as a center and diameter of the ring as a diameter, and the one end of each of the other pressing members is located outside of the circle; and second controlling, before the hooking and after the first controlling, such that the one end of

each of the other pressing members move moves toward the circle, and once the one end of each of the other pressing members is located on the circle, all the pressing members move toward the central axis (column 6, lines 40-60).

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie Jennings whose telephone number is (571) 270-7392. The examiner can normally be reached on Monday-Thursday, 7 am - 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. J./
Examiner, Art Unit 3725
June 22, 2009

/Dana Ross/
Supervisory Patent Examiner, Art Unit
3725